

## UNITED STATES DISTRICT COURT

for the  
District of New Mexico

FILED

United States District Court  
Albuquerque, New MexicoMitchell R. Elfers  
Clerk of CourtIn the Matter of the Search of  
(Briefly describe the property to be searched  
or identify the person by name and address)JULIAN ANTHONY "JUICE" CANDELARIA  
YOB: 1988Case No. **22 MR 61**

## APPLICATION FOR A WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

See attachment A, attached hereto and incorporated herin by reference.

located in the \_\_\_\_\_ District of Bernalillo, there is now concealed (identify the person or describe the property to be seized):

See attachment B, attached hereto and incorporated herin by reference.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☒ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

*Code Section*  
Title 18, United States Code  
(USC), Section (§) 922(g)(1)  
and 924

*Offense Description*  
Possession of a Firearm and ammunition by a prohibited person

The application is based on these facts:  
See Attached

- ☒ Continued on the attached sheet.
- ☐ Delayed notice of \_\_\_\_\_ days (give exact ending date if more than 30 days: \_\_\_\_\_) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

*Jessica M Carreon #345*  
Applicant's signature

Jessica Carreon, F.B.I Task Force Officer  
Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by  
Electronically subscribed and telephonically sworn (specify reliable electronic means).

Date: January 13, 2022City and state: Albuquerque, New Mexico

*Jerry H Ritter*  
Judge's signature

Jerry H. Ritter, U.S. Magistrate Judge  
Printed name and title

**AFFIDAVIT IN SUPPORT OF SEARCH WARRANT**

I, Task Force Officer (TFO) Jessica Carreon of the Federal Bureau of Investigation (FBI), being first duly sworn, hereby depose and state as follows:

**INTRODUCTION AND BACKGROUND OF THE AFFIANT**

1. I make this affidavit in support of an application under Rule 41 of the Federal Rules of Criminal Procedure for a warrant to search the body of **JULIAN ANTHONY “JUICE” CANDELARIA**, who is currently located in the **Bernalillo County Metropolitan Detention Center located at 100 Dean Miera Dr SW**, to collect deoxyribonucleic acid (DNA) samples by way of buccal swabs. I believe CANDELARIA’s DNA may be present on the firearm located during a search warrant execution that is described herein.

2. Because this affidavit is submitted for the limited purpose of seeking a search warrant to collect DNA samples from CANDELARIA, I have not set forth each and every fact I have learned during the course of this investigation. I have set forth only the facts that I believe are necessary to establish the foundation for an order authorizing the requested search warrant.

3. As set forth herein, there is probable cause to believe that CANDELARIA committed a violation of 18 USC §§ 922(g)(1) and 924, that being Possession of a Firearm and Ammunition by a Convicted Felon. Because there is probable cause to believe CANDELARIA possessed the firearm relevant to this crime, there is also probable cause to believe that CANDELARIA’s DNA will be found on pieces of evidence collected in this investigation. Therefore, there is probable cause to collect a DNA sample from

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CANDELARIA via buccal swab in order to compare it with samples collected from the lawfully seized evidence in this case.

**Background of the Affiant**

4. I, Task Force Officer (TFO) Jessica Carreon, state that I am a full-time salaried law enforcement professional employed by the Bernalillo County Sheriff's Office (BCSO) since June of 2013. I graduated from the Bernalillo County Sheriff's Office Regional Police Academy in November of 2013. I was promoted to the Violent Crimes Unit within the Criminal Investigations Division in May of 2018 where I worked until February of 2020. During this time, I was tasked with various investigative assignments; however, my primary focus was on the investigation of violent crimes committed within the unincorporated areas of Bernalillo County. Prior to Law Enforcement, I was awarded a bachelor's degree in Criminology with a Minor in Psychology from the University of New Mexico in December of 2011.

5. As a result of your Affiant's training and experience, I am aware that weapons (including rifles, shotguns, handguns, knives and batons) are instrumentalities of crimes of violence. I am also aware that when individuals handle firearms, their DNA is often left behind and detectable by lab technicians.

6. Through your affiant's training and experience, I am aware that human saliva and droplets of human sweat contain deoxyribonucleic acid (DNA) which can be used to help identify an individual, and that DNA from human saliva or sweat droplets can potentially be recovered and used to help identify an individual after the individual comes in contact



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with a surface or an object.

**FACTS AND CIRCUMSTANCES ESTABLISHING PROBABLE CAUSE**

7. On February 13, 2021, an arrest warrant was issued out of the District of New Mexico for fugitive JULIAN ANTHONY “JUICE CANDELARIA. The warrant was issued for the offence of possession of a firearm by a prohibited person-felon in case 21MJ2215.

8. On October 19, 2021, the apprehension of CANDELARIA was assigned to Deputy United States Marshal Silas Zimmerman with the Southwest Fugitive Investigative Team (SWIFT). On this same date, DUSM Zimmerman conducted records checks on CANDELARIA and observed two active warrants, a probation violation, and a felon in possession case.

9. On October 28, 2021, while working an unrelated case, DUSM Zimmerman was at the intersection of Central Ave and Texas Street Northeast, in Albuquerque, New Mexico. DUSM Zimmerman noticed a maroon-colored Lincoln MKZ traveling eastbound on Central Avenue. DUSM Zimmerman got behind the vehicle and verified the license plate as New Mexico license plate 186WGX. DUSM Zimmerman observed the vehicle was occupied by a male driver and a female passenger. DUSM Zimmerman knew CANDELARIA was known to drive that vehicle and knew he was wanted on the aforementioned warrants.

10. DUSM Zimmerman followed the vehicle eastbound on Central Avenue to the Griff's Hamburgers Restaurant. As the vehicle turned into the restaurant, DUSM Zimmerman was able to positively identify the passenger as Marlyn Garcia. DUSM

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Zimmerman parked at a gas station east of the restaurant and maintained surveillance on the vehicle and its occupants while requesting assistance from additional SWIFT members. DUSM Zimmerman provided SWIFT members with a photograph of CANDELARIA and DUSM Marreel was able to drive to the parking lot of the Griff's Hamburgers Restaurant and positively identified CANDELARIA as the driver. SWIFT members set up surveillance in the area and began to follow CANDELARIA. CANDELARIA continued eastbound on Central, and after a short stop in the parking lot of a cell phone store, CANDELARIA drove to an apartment complex, located at 225 Hanosh Court Southeast. CANDELARIA backed into a parking space on the far west side of the parking lot.

11. Due to his positioning, SWIFT members engaged their emergency lights and conducted a vehicle containment, blocking the vehicle in from all sides. SWIFT members exited their vehicles and began to give clear, verbal commands to the occupants of the vehicle. CANDELARIA was instructed to turn off the vehicle and roll the window down. CANDELARIA refused to follow verbal commands and began shifting within the vehicle, appearing to remove items from his left, rear pocket or his waistband area. SWIFT members approached the vehicle utilizing a shield as cover on the driver's side of the vehicle and ported the driver's side of the vehicle. SWIFT members were able to unlock the vehicle and remove CANDELARIA from within. CANDELARIA was escorted out of vehicle and placed in handcuffs and under arrest. Marlyn Garcia exited the vehicle and was found to have several outstanding warrants out of Bernalillo County.

12. During CANDELARIA's extraction of the vehicle, USMS TFO Salcido observed a United States currency in stacks and bound by a rubber band (the money was counted and it was approximately \$4300), laying on CANDELARIA's lap. After CANDELARIA

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was removed from the vehicle, USMS TFO Salcido observed a semi-automatic pistol laying on the front floorboard, directly to the right of where CANDELARIA's right foot was; the pistol laid beside a small vile of blue, circular pills, and a cell phone. Through USMS TFO Salcido's experience, he concluded that the blue, circular pills were fentanyl. The pills were later field tested and yielded a presumptive positive for fentanyl. USMS TFO Salcido began to take photographs of the firearm in place and later removed the pistol. He observed the firearm was a Smith and Wesson Model SD-40 VE. 40 caliber semiautomatic pistol, displaying serial number FYS0175. USMS TFO Salcido cleared the weapon and removed a magazine containing ammunition (S&B(1), PMC(3), Federal (1) and CCI (1)), and observed a .40 caliber cartridge in the chamber.

13. A black backpack was located in the middle of the rear seat, easily accessible to CANDELARIA and Garcia. USMS TFOs Bengston and Salcido searched the backpack, and found a semi-automatic pistol in a black cloth holster inside of the bag. TFO Salcido photographed the black bag and the pistol. TFO Bengston removed the firearm and, upon closer inspection, observed it was a Ruger Model P345, 45 caliber semiautomatic pistol displaying serial number 664-42816. TFO Salcido observed one .45 caliber cartridge in the chamber; a magazine containing eight (8) cartridge of ammunition-Winchester (7) and Speer (1). TFO Salcido collected the firearms, currency, blue fentanyl pills and cell phones. The firearms, currency and blue fentanyl pills were turned over to the custody of Drug Enforcement and Administration (DEA) Special Agent Jones.

### **Relevant Criminal History**



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14. CANDELARIA is a convicted felon. His convictions include possession of a controlled substance as seen in New Mexico Cause D-202-CR-2012-05009; receiving or transferring a stolen motor vehicle, as seen in New Mexico Cause D-202-CR-2018-01029; receiving or transferring a stolen motor vehicle (second offence) as seen in New Mexico Cause D-202-CR-2018-02166; and possession of burglary tools as seen in New Mexico Cause T-4-FR-2018-006477.

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**INTERSTATE NEXUS**

15. The Ruger and Smith and Wesson firearms were examined, and it was determined it functioned as originally designed. Based on my training and experience, I know that Ruger and Smith and Wesson handguns are manufactured outside of the state New Mexico and the specified handgun meets the federal definition of a “firearm.” Additionally, the ammunition found within the magazines of the firearms was also manufactured outside of the State of New Mexico.

16. Based on the foregoing, there is probable cause to believe that the DNA samples sought through this warrant will provide evidence pertaining to a violation of 18 U.S.C. §§ 922(g)(1) and 924, that being Felon in Possession of a Firearm and Ammunition.

The firearms listed above are all in the lawful custody of the Federal Bureau of Investigation (FBI). Based on my training, experience, and involvement in this case, I know that these items were collected and have been stored in such a manner that DNA should be present on the firearm at the time of seizing. Investigators will seek the appropriate persons to swab the firearm. Those samples will be compared with the DNA

### **AFFIDAVIT IN SUPPORT OF SEARCH WARRANT**

samples collected from CANDELARIA pursuant to the authorization sought in this application.

17. The saliva (buccal swab) samples from CANDELARIA will be obtained pursuant to approved medical procedures, without unnecessary discomfort to CANDELARIA, in private, and under circumstances where he will feel very little or no pain or embarrassment.

17. JULIAN "JUICE" CANDELARIA is a Hispanic male adult, with the YOB 1988, and the social security number of xxx-xx-1524. CANDELARIA has black hair and green eyes. He is approximately five foot nine inches in height and weighs approximately 190 pounds. CANDELARIA New Mexico Driver's license lists his address as 928 Cardenas Dr SE, Albuquerque, New Mexico 87108. CANDELARIA is currently in custody at the Bernalillo County Metropolitan Detention Center located at 100 Dean Miera Drive Southwest Albuquerque, New Mexico 87121.

### **CONCLUSION**

18. Based on the above information, there is probable cause to believe that CANDELARIA committed a violation of Title 18 U.S.C. §§ 922 (g)(1) and 924 – Possession of a Firearm and Ammunition by a Prohibited Person, and that the DNA samples sought in this warrant will provide evidence of this violation. Therefore, I am seeking authorization under Rule 41 of the Federal Rules of Criminal Procedure to collect a DNA sample from CANDELARIA Via buccal swab, to compare with any DNA that is found on the evidence seized in this matter.


19. This affidavit has been reviewed by Supervisory Assistant United States Attorney



**AFFIDAVIT IN SUPPORT OF SEARCH WARRANT**

Jack E. Burkhead of the District of New Mexico.

Respectfully submitted,

  
Jessica Carreon #345  
FBI Task Force Officer

Electronically subscribed and telephonically sworn to before me on January 13, 2022:

  
UNITED STATES MAGISTRATE JUDGE  
DISTRICT OF NEW MEXICO

**ATTACHMENT A**

*Person to be searched*

This warrant authorizes a search of the person of **JULIAN ANTHONY “JUICE” CANDELARIA** (born in 1988), who is currently in custody at the Bernalillo County Detention Center located at 100 Dean Miera Dr, Southwest, Albuquerque, New Mexico. (CANDELARIA is pictured to the right) The collection of his DNA in the form of collection of DNA samples, via buccal swabs.



JULIAN “JUICE” CANDELARIA is a Hispanic male adult, with the YOB 1988, and the social security number of xxx-xx-1524. CANDELARIA has black hair and green eyes. He is approximately five foot nine inches in height and weighs approximately 190 pounds. CANDELARIA New Mexico Driver’s license lists his address as 928 Cardenas Dr SE, Albuquerque, New Mexico 87108.

**ATTACHMENT B**

*Property to be seized*

The saliva (buccal swab) samples from CANDELARIA will be obtained pursuant to approved medical procedures, without unnecessary discomfort to CANDELARIA, in private, and under circumstances where he will feel very little or no pain or embarrassment.